

### **REMARKS**

Applicant respectfully requests reconsideration of the present Application. Claims 1, 18, and 27 are amended, claim 24 is canceled. Reconsideration of the present application in view of the following remarks and above amendments is respectfully requested.

#### **Rejections based on 35 U.S.C. § 102(e)**

##### **A.) Applicable Authority**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdeggal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir.1989). *See also*, MPEP § 2131. The prior art reference must also disclose those elements “arranged as in the claim.” *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983).

##### **B.) Anticipation Rejection Based on US Patent No 7,305,486 (“Ghose”).**

Claims 1, 7, 10, 12, 18 and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ghose. Applicant respectfully submits that Ghose fails to describe all elements of amended independent claims 1 and 18.

Amended independent claim 1 recites a method for initiating the transmission of data. The method comprises establishing a connection from at least one data source to a destination and generating sessions to transmit data via the connection from the at least one data source to the destination, where generating sessions comprise invoking an application programming interface and receiving a session acceptance from the destination via the

application programming interface. In turn, a set of messages from the sessions for transmission over the connection to the destination are queued. The messages from two sessions from different data sources are combined. The queued set of messages and combined messages are transmitted based upon completion information associated with the queued set of messages.

It is respectfully submitted that the cited prior art, including Ghose, fails to describe, among other things, *combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream; and transmitting messages from the queued set of messages and the combined messages based upon completion information associated with the queued set of messages stored in a queue at a dispatcher;* as recited in amended independent claim 1.

The Office relies upon Ghose, at col. 9, ll. 53-56; col. 13, l. 61-col. 14, l. 5; and col. 15, ll. 7-21. The cited portions of Ghose describe sending data between a host and receiver based on credits established by the receiver. In Ghose, the receiver regulates the data flow from the host. Nothing in Ghose describes combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream.

Unlike Ghose, the invention of amended independent claim 1, requires, among other things, combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream and transmitting messages from the queued set of messages and the combined messages based upon completion information associated with the queued set of messages stored in a queue at the data source. Ghose fails to expressly or inherently describe all elements of the invention as arranged or combined in the same way as amended independent claim 1. Accordingly, for at least the above reasons,

Applicant respectfully requests withdrawal of the anticipation rejection and allowance of amended independent claim 1.

Dependent claims 2-4 and 7-12 further define novel features of the invention of amended independent claim 1 and each depend, directly or indirectly, from amended independent claim 1. Accordingly, for at least the reasons set forth above with respect to amended independent claim 1, dependent claims 2-4 and 7-12 are believed to be in condition for allowance by virtue of their dependency. *See*, 37 C.F.R. §1.75(c). As such, withdrawal of the 35 U.S.C. §102(e) rejection of dependent claims 2-4 and 7-12 is respectfully requested.

Amended independent claim 18 recites one or more computer-readable media storing instructions for performing a method to send a transmissible message over a communication network. The method comprises establishing a connection from at least one data source to a destination and establishing sessions to transmit data via the connection from the at least one data source to the destination, where establishing sessions comprise invoking an application programming interface and receiving a session acceptance from the destination. In turn, at least one message from the sessions for transmission over the connection to the destination is queued, where queuing the at least one message comprises queuing the at least one message in at least one input/output buffer. The messages from two sessions from different data sources are combined. The communication of the at least one queued message and the combined message are regulated based upon completion information associated with the at least one input/output buffer.

It is respectfully submitted that the cited prior art, including Ghose, fails to describe, among other things, *combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream; and*

*regulating the communication of the at least one queued message and the combined messages based upon completion information associated with the at least one input/output buffer, as recited in amended independent claim 18.*

The Office relies upon Ghose, at col. 9, ll. 53-56; col. 13, l. 61-col. 14, l. 5; and col. 15, ll. 7-21. As discussed above, the cited portions of Ghose describe sending data between a host and receiver based on credits established by the receiver. Nothing in Ghose describes combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream.

Unlike Ghose, the invention of amended independent claim 18, requires, among other things, combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream and regulating the communication of the at least one queued message and the combined messages based upon completion information associated with the at least one input/output buffer. Ghose fails to expressly or inherently describe all elements of the invention as arranged or combined in the same way as amended independent claim 18. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the anticipation rejection and allowance of amended independent claim 18.

Dependent claims 19-21 and 25-26 further define novel features of the invention of amended independent claim 18 and each depend, directly or indirectly, from amended independent claim 18. Accordingly, for at least the reasons set forth above with respect to amended independent claim 18, dependent claims 19-21 and 25-26 are believed to be in condition for allowance by virtue of their dependency. *See*, 37 C.F.R. §1.75(c). As such,

withdrawal of the 35 U.S.C. §102(e) rejection of dependent claims 19-21 and 24-26 is respectfully requested.

**Rejections based on 35 U.S.C. § 103(a)**

A.) Applicable Authority

Title 35 U.S.C. § 103(a) declares, a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivations found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. See *Application of Bergel*, 292 F. 2d 955, 956-957 (CCPA 1961). Recently, the Supreme Court elaborated, at pages 13-14 of the *KSR* opinion, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application].” *KSR v. Teleflex*, No. 04-1350, 550 U.S. \_\_\_\_ (2007).

B.) Obviousness Rejections Based on Ghose in view of U.S. Patent Publication No. 2003/0079121 ("Gilman").

Claims 2-4, 11, 19-21, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghose in view of Gilman. Applicant respectfully traverses this rejection because the prior art, including Ghose and Gilman fail to teach or suggest all elements of the inventions of amended independent claims 1 and 18.

Claims 2-4, 11, 19-21, and 26 depend from amended independent claims 1 and 18. As discussed above, Ghose fails to teach or suggest all the elements of amended independent claims 1 and 18. Accordingly, claims 2-4, 11, 19-21, and 26 are patentable over Ghose for at least the above-cited reasons. The addition of Gilman fails to cure the deficiencies of Ghose with respect to the elements of amended independent claims 1 and 18. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection and allowance of dependent claims 2-4, 11, 19-21, and 26.

C.) Obviousness Rejections Based on Ghose in view of U.S. Patent No. 6,223,207 ("Lucovsky").

Claims 8-9 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghose in view of Lucovsky. Applicant respectfully traverses this rejection because the prior art, including Ghose and Lucovsky fail to teach or suggest all elements of the inventions of amended independent claims 1 and 18.

Claims 8-9 and 25 depend from amended independent claims 1 and 18. As discussed above, Ghose fails to teach or suggest all the elements of amended independent claims 1 and 18. Accordingly, claims 8-9 and 25 are patentable over Ghose for at least the above-cited reasons. The addition of Lucovsky fails to cure the deficiencies of Ghose with respect to the

elements of amended independent claims 1 and 18. As such, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection and allowance of dependent claims 8-9 and 25.

C.) Obviousness Rejections Based on Ghose.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghose. Applicant respectfully traverses this rejection because the prior art, including Ghose and Lucovsky fail to teach or suggest all elements of the inventions of amended independent claim 27.

Amended independent claim 27 recites one or more computer-readable media storing instructions for transporting large data sets across a communication network. The method comprises establishing one or more sessions between a plurality of data sources and a storage server by transmitting session requests from output queues at a dispatcher to a destination queue at the storage server and transmitting an acknowledgement that the session requests are accepted from the storage server to the data source. Data messages received from each data source are buffered at an assigned output queue until the assigned output queue is full. Messages from at least two separate sessions for the destination having different data sources are combined to generate a combined message stream. In turn, the data messages and the combined messages are transmitted to the destination queue at the storage server. An acknowledgment receipt of the data messages received from each data source having a window size remaining at the destination queue is received. Additional data messages and additional combined message from the data sources are transmitted to the destination queue at the storage server based on the window size included in the acknowledgment receipt.

It is respectfully submitted that the cited prior art, including Ghose, fails to describe or suggest, among other things, *combining messages from at least two separate sessions*

*for the destination having different data sources to generate a combined message stream; and transmitting the data messages and the combined messages to the destination queue at the storage server; as recited in amended independent claim 27.*

The Office relies upon Ghose, at col. 9, ll. 53-56; col. 13, l. 61-col. 14, l. 5; and col. 15, ll. 7-21. As discussed above, the cited portions of Ghose describe sending data between a host and receiver based on credits established by the receiver. Nothing in Ghose describes or suggest, among other things, combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream.

Unlike Ghose, the invention of amended independent claim 27, requires, among other things, combining messages from at least two separate sessions for the destination having different data sources to generate a combined message stream; and transmitting the data messages and the combined messages to the destination queue at the storage server. Ghose fails to expressly or inherently describe or suggest all elements of the invention of amended independent claim 27. Accordingly, for at least the above reasons, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection and allowance of amended independent claim 27.



### **CONCLUSION**

For at least the reasons stated above, the pending claims are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

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